

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION: 04-CV-11069-JLT

ABRAHAM PHILIP, MD

Plaintiff,

vs.

JOHN CRONIN, in his personal
capacity.

Defendant.

MOTION FOR ENLARGMENT OF TIME TO
FILE PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

The plaintiff seeks an enlargement of time in which to file an opposition to the defendant's motion for summary judgment.

As reasons therefore, the plaintiff states:

1. Plaintiff's counsel has conferred with defendant's counsel. While counsel for the defendant indicated that she could not assent to this motion, she would not actively oppose it.

2. The parties jointly moved for a re-scheduling of the hearing on cross-motions for summary judgment. The request, which was denied, was the result of multiple scheduling problems.

3. In denying the motion, the court ordered the plaintiff to respond to the defendant's motion by October 21, 2005.

4. Plaintiff's counsel, Daniel S. Sharp, was unexpectedly out of town when the order was entered and was unable to respond by October 21st. Sharp was in New York and in Idaho for preparation and depositions in a federal case in Idaho from October 12, 2005 until October 25, 2005.

5. Sharp had to go to New York and Idaho because his law partner (and spouse) injured her leg, was confined to a wheelchair, and was physically unable to handle the other case on her own. Sharp had to "dive in" on the other case and conduct four out of the five depositions in Idaho.

6. The depositions in Idaho had been scheduled for many months because those depositions required the coordination of the schedules of nine lawyers and one doctor. The discovery schedule in the Idaho case was such that the depositions could not be re-scheduled.

7. After Sharp's return to Massachusetts, his boat partially sank on October 25, 2005. He had to deal with that further, unexpected situation (and is still dealing with it today).

8. Today, October 27, 2005, is the first time Sharp has been able to deal with the order regarding the opposition.

9. Sharp has not been inattentive to the schedule and there is no dilatory purpose in this request.

10. No party will be prejudiced by this request.

11. Sharp is asking for the court's help to deal with the

series of difficulties he has experienced in responding to the court's order. A brief will be filed just as soon as humanly possible.

RELIEF REQUESTED

WHEREFORE, the plaintiff requests that the court:

- (1) Reconsider the Parties Joint Motion to Continue the hearing on Summary Judgment; or
- (2) Grant the plaintiff an enlargement of time in which to file an opposition brief.

Respectfully Submitted,

/s/ Daniel S. Sharp

Daniel S. Sharp (BBO 565524)
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CERTIFICATE OF SERVICE

The undersigned certifies that he/she caused a true copy of the document above to served by first class mail, postage paid, on all counsel of record an and properly addressedd upon all parties appearing *pro se* on October 27, 2005.

/s/ Daniel S. Sharp
